



**ASSEMBLY AMENDMENT 13,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 100**

September 16, 1997 - Offered by Representative SCHNEIDER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1893, line 3: after that line insert:

3 **"SECTION 5227c.** 895.505 of the statutes is created to read:

4 **895.505 Disposal of records containing personal information. (1)**

5 DEFINITIONS. In this section:

6 (a) "Business" means an organization or enterprise operated for profit,  
7 including a sole proprietorship, partnership, firm, business trust, joint venture,  
8 syndicate, corporation, limited liability company or association.

9 (b) "Personal information" means personally identifiable data about an  
10 individual's medical or financial condition that is not generally considered to be  
11 public knowledge.

1 (c) "Personally identifiable" means capable of being associated with a  
2 particular individual through one or more identifiers or other information or  
3 circumstances.

4 (d) "Record" means any material on which written, drawn, printed, spoken,  
5 visual or electromagnetic information is recorded or preserved, regardless of  
6 physical form or characteristics.

7 **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A business may not  
8 dispose of a record containing personal information unless:

9 (a) Prior to the disposal of the record, the business shreds, erases or otherwise  
10 modifies the record to make the personal information unreadable.

11 (b) The business takes actions that it reasonably believes will ensure that no  
12 unauthorized person will have access to the personal information contained in the  
13 record for the period between the record's disposal and the record's destruction.

14 **(3) CAUSE OF ACTION.** Notwithstanding s. 814.04 (1), a business that violates  
15 sub. (2) is liable to any person damaged by the violation for the amount of damages  
16 and for reasonable attorney fees."

17 **2.** Page 2078, line 2: after that line insert:

18 "(4c) DISPOSAL OF RECORDS. The treatment of section 895.505 of the statutes  
19 takes effect on the first day of the 4th month beginning after publication."

20 (END)